

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

United States District Court  
Albuquerque, New MexicoMitchell R. Elfers  
Clerk of Court

## UNITED STATES DISTRICT COURT

for the  
District of New Mexico

In the Matter of the Search of  
*(Briefly describe the property to be searched  
 or identify the person by name and address)*  
 Deoxyribonucleic Acid (DNA)  
 Alvin R. PADILLA, year of birth 1973

Case No. **23mr1632**

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:  
 Attachment A

located in the \_\_\_\_\_ District of \_\_\_\_\_ New Mexico \_\_\_\_\_, there is now concealed *(identify the person or describe the property to be seized)*:  
 Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

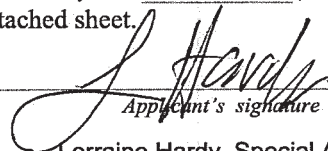
- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1) & 924	Felon in possession of a firearm and ammunition.

The application is based on these facts:  
 See attached affidavit, incorporated herein by reference.

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days *(give exact ending date if more than 30 days)* \_\_\_\_\_ is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Lorraine Hardy, Special Agent

*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
 Telephonically Sworn and Electronically Signed *(specify reliable electronic means)*.

Date: August 23, 2023City and state: Farmington, New Mexico

*Judge's signature*

B. Paul Briones, United States Magistrate Judge

*Printed name and title*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF:

Deoxyribonucleic Acid (DNA)  
Alvin R. Padilla, year of birth 1973

Case No. \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT**

I, Lorraine Hardy, being duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal

Rules of Criminal Procedure for a warrant to search the person of Alvin R. Padilla, year of birth 1973, for the purpose of obtaining deoxyribonucleic acid (DNA) by collecting oral (buccal) swab samples according to the standard practices and procedures employed by the FBI for DNA testing and comparison. Based on the facts set forth in this affidavit, there is probable cause to believe that PADILLA violated federal criminal statutes, including but not limited to 18 U.S.C. § 922(g)(1) and 924, being a felon in possession of a firearm. PADILLA's DNA will provide evidence of such crimes.

2. I am currently serving as an FBI Special Agent assigned to the FBI, Albuquerque Division, Farmington Resident Agency, where I primarily investigate crimes that occur in Indian Country to include homicide, aggravated assault, child sexual assault, kidnapping and rape. I have been with the FBI for approximately 4 years. I have received on the job training from other experienced agents, detectives, Indian Country criminal investigators, and tribal police officers. My investigative training and experience includes, but is not limited to, processing crime scenes, conducting surveillance, interviewing subjects, targets, and witnesses; writing affidavits for and executing search and arrest warrants; examining cellular telephones; managing confidential human

sources and cooperating witnesses/defendants; serving subpoenas; collecting and reviewing evidence; and analyzing public records.

3. This affidavit is based upon information reported to me by other federal, state, and local law enforcement officers during their official duties. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and local law enforcement officers who have directly participated in this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

4. This affidavit is intended to show there is probable cause for the requested search warrant and does not set forth all of my knowledge about this matter. The statements in this affidavit are based on my personal knowledge, information that I have received from other law enforcement personnel, and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to obtain the requested warrant.

#### **PROBABLE CAUSE**

5. On February 6, 2023, Bloomfield Police Department (BPD) started an investigation into a white 2019 Toyota Highlander, bearing New Mexico License Plate BFYK96. The vehicle was found by BPD officers unoccupied and parked illegally in violation of New Mexico State Statute 66-7-351, stopping, standing, or parking prohibited in a specified place. The registered owner of the vehicle was Alvin R. PADILLA. Attempts of contacting PADILLA were unsuccessful and BPD officers called a tow truck. Prior to being towed, BPD officers conducted an inventory of the vehicle and located drug paraphilia, suspected fentanyl pills, and firearms. BPD officers secured and towed the vehicle to the Bloomfield Police Station pending a search warrant.

6. As the vehicle was being towed a Hispanic male, later identified as Alvin R. Padilla approached the BPD officers, stating they were towing his vehicle. BPD officers explained to PADILLA why the vehicle was being towed and took PADILLA back to the Bloomfield Police Station for questioning. PADILLA was advised of his rights and agreed to speak with officers. PADILLA stated he was driving home from Wyoming and arrived in Bloomfield around 0230 or 0300 hours. PADILLA had been working in Wyoming but lived in Santa Cruz, New Mexico. PADILLA stopped off the side of the road on 1<sup>st</sup> street in Bloomfield to use the bathroom. PADILLA stated he was jumped by two unidentified men in Bloomfield and they stole his vehicle. PADILLA had been walking and knocking on doors for help the last couple of hours when he saw BPD officers towing his vehicle. PADILLA denied ownership of the drug paraphilia, suspected fentanyl, and the firearms which were located in his vehicle.

7. BPD officers did not receive any calls from concerned homeowners of anyone knocking on their door late that night. BPD officers did observe the Real Time Crime Center camera footage and located PADILLA's vehicle driving North bound into Bloomfield from the 550, around 0318 hours. PADILLA's vehicle was headed in the opposite direction then PADILLA had earlier stated. PADILLA was notified, BPD officers were seeking a search warrant for his vehicle and was released.

8. A search warrant (D-1116-SW-2023-1) was obtained and later executed the same day. The items located included a loaded Springfield XD 9mm pistol, EGX500 12-gauge shotgun, 12-gauge shotgun ammunition, suspected Fentanyl, drug paraphernalia, Padilla's wallet, burglary tools, and a cut catalytic converter.

9. PADILLA was convicted of a felony in 2006 by El Paso, Texas for theft. PADILLA was charged with possession of a controlled substance in 2009 in Loveland, Colorado and 2018 by Weld County Sheriff's Office, burglary in 2008 by Larimer County, forgery in 2013 by Greeley Police Department, and smuggling contraband into the jail in 2013 in Weld, County. PADILLA has

an active warrant for his arrest (M-147-FK-2023-00095) out of New Mexico for Possession of a controlled substance and possession of a firearm by a felon.

10. Based on my training and experience, it is possible PADILLA's DNA may be found on the Springfield XD 9 mm handgun, serial number BY433366 and/or the EGX500 Bullpup 12-gauge shotgun, serial number 40-H22YD-001414. Both firearms were seized during the execution of a search warrant of PADILLA's white Toyota Highlander, bearing New Mexico license plate BFYK96, on February 6, 2023.

### CONCLUSION

11. Based on my training, experience, and the facts as set forth in this affidavit, there is probable cause to believe that violations of U.S.C. 18 U.S.C. § 922(g)(1) and 924, being a felon in possession of a firearm, were committed by PADILLA and that evidence of such violations will be found on the person of Alvin R. PADILLA, year of birth 1973, in the form of DNA. Said DNA is relevant and material in the context of forensic evaluation with regard to establishing PADILLA's participation in relation to the present investigation.

12. I respectfully request a search warrant be issued to search the person of Alvin R. PADILLA, year of birth 1973, for the purpose of obtaining deoxyribonucleic acid (DNA) to compare with any DNA found on the bedding items mentioned above.

13. Assistant United States Attorney Joseph Spindle reviewed and approved this affidavit for legal sufficiency to establish probable cause.

Telephonically sworn and electronically signed  
Subscribed and sworn to me on August 23rd, 2023



Lorraine Hardy

Special Agent  
Federal Bureau of Investigation

A handwritten signature in black ink, reading "B Paul Briones". The signature is written in a cursive, flowing style. The first letter "B" is large and prominent. The signature is positioned above a horizontal line.

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B. Paul Briones  
United States Magistrate Judge